

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Tomax AS,

Plaintiff,

VS.

Turbo Drill Industries, Inc.  
d/b/a Scout Downhole

Defendant.

§ Case No.: 6:21-CV-260-ADA

§

§

§

§

§

§

§

§

§

§

JURY TRIAL DEMANDED

**SCHEDULING ORDER**

The Court enters the following scheduling order:

Deadline	Item
September 25, 2021	Initial Inspection of Turbo Drill d/b/a Scout Downhole 7 ¼ inch Steady Torque Tool (completed)
October 11, 2021	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff has already identified the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit on June 25, 2021.
November 22, 2021	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to

	ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint.
December 1, 2021	Parties exchange claim terms for construction.
December 1, 2021	Fact discovery opens; deadline to serve initial disclosures per Rule 26(a)..
December 8, 2021	Parties exchange proposed claim constructions.
December 13, 2021	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
December 20, 2021	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
January 3, 2022	Defendant files Opening claim construction brief, including any arguments that any claims are not indefinite.
January 24, 2022	Plaintiff files Responsive claim construction brief.
February 7, 2022	Defendant files Reply claim construction brief
February 21, 2022	Plaintiff files a Sur-Reply claim construction brief.
February 24, 2022	Parties submit Joint Claim Construction Statement. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).

February 25, 2022	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
March 7, 2022	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the Markman hearing approaches
April 14, 2022	Deadline to add parties.
April 28, 2022	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
June 14, 2022	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion)
June 23, 2022	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
July 22, 2022	Close of Fact Discovery.
July 29, 2022	Opening of Expert Reports.
August 26, 2022	Rebuttal Expert Reports.
September 16, 2022	Close of Expert Discovery.

September 23, 2022	Deadline for the second of two meet and confer conferences to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within five business days regarding the results of the meet and confer.
September 30, 2022	Dispositive motion deadline and <i>Daubert</i> motion deadline.
October 14, 2022	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
October 28, 2022	Serve objections to pretrial disclosures/rebuttal disclosures.
November 4, 2022	Serve objections to rebuttal disclosures and <b>File</b> Motions <i>in limine</i> .
November 10, 2022	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>
November 17, 2022	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
November 28, 2022	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
December 1, 2022	Final Pretrial Conference. (The Court expects to set this date at the conclusion of the <i>Markman</i> hearing).
December 19, 2022	Jury Selection/Trial.

SIGNED this 8th day of October, 2021.

A handwritten signature in black ink, reading "Alan D Albright". The signature is written in a cursive style with a horizontal line underneath it.

ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE